

1 STANLEY LAW GROUP
2 MATTHEW J. ZEVIN, SBN: 170736
3 10021 Willow Creek Road, Suite 200
4 San Diego, CA 92131
5 Telephone: (619) 235-5306
6 Facsimile: (815) 377-8419
7 e-mail: mzevin@aol.com

8 STANLEY LAW GROUP
9 MARC R. STANLEY (*Pro Hac Vice*)
10 MARTIN WOODWARD (*Pro Hac Vice*)
11 6116 North Central Expressway, Suite 1500
12 Dallas, TX 75206
13 Telephone: (214) 443-4300
14 Facsimile: (214) 443-0358
15 E-mail: marcstanley@mac.com,
16 mwoodward@stanleylawgroup.com

17 Attorneys for Plaintiffs
18 (additional counsel on signature page)

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA-SAN FRANCISCO DIVISION**

21 HELENE CAHEN, KERRY J. TOMPULIS,
22 MERRILL NISAM, RICHARD GIBBS, and
23 LUCY L. LANGDON, on Behalf of
24 Themselves and All Others Similarly
25 Situated,

26 Plaintiffs,

27 v.

28 TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR SALES, U.S.A., INC.,
FORD MOTOR COMPANY, GENERAL
MOTORS LLC, and DOES 1 through 50,

Defendants.

CASE NO. 15-cv-01104-WHO

**PLAINTIFFS' REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF ALL
OPPOSITIONS TO DEFENDANTS'
MOTIONS TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT**

CLASS ACTION

Date: November 3, 2015
Time: 3:00 p.m.
Judge: Hon. William H. Orrick
Ctrm: 2

PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE

Plaintiffs Helene Cahen, Kerry J. Tompulis, Merrill Nisam, Richard Gibbs, and Lucy L. Langdon (collectively, "Plaintiffs") respectfully request the Court to take judicial notice of certain documents pursuant to Federal Rule of Evidence 201(b)(1) and(2).

Each of the documents is appropriate for judicial notice and consideration by the Court in the context of Defendants' Rule 12 motions because: 1) the contents are central to the allegations and 2) no party can in good faith question the authenticity of the documents. *Frenzel v. AliphCom*, 76 F. Supp. 3d 999, 1018 n.9 (N.D. Cal. 2014); *Parrino v. FHP, Inc.*, 146 F.3d 699, 705 (9th Cir. 1998) (same), *superseded by statute on other grounds as stated in Abrego v. Dow Chem. Co.*, 443 F.3d 676, 681-82 (9th Cir. 2006); *see also Parrino*, 146 F.3d at 706 (holding that the Court may consider a document if the complaint "necessarily relies" on it and the document's authenticity is not contested).

The Court should take judicial notice of the following documents which are either referenced in the Complaint or central to its allegations:

Exhibit 1 attached hereto is a true and correct copy of *Tracking & Hacking: Security & Privacy Gaps Out American Drivers at Risk*, A report written by the staff of Senator Edward J. Markey (D-Massachusetts), *available at* http://www.markey.senate.gov/imo/media/doc/2015-02-06_MarkeyReport-Tracking_Hacking_CarSecurity%202.pdf.

Exhibit 2 attached hereto is a true and correct copy of Charlie Miller & Chris Valasek, Technical White Paper: *Adventures in Automotive Networks and Control Units*, *available at* http://www.ioactive.com/pdfs/IOActive_Adventures_in_Automotive_Networks_and_Control_Units.pdf.

Exhibit 3 attached hereto is a true and correct copy of Jim Finkle & Bernie Woodall, *Researcher Says Can Hack GM's OnStar App, Open Vehicle, Start Engine*, *available at* <http://www.reuters.com/article/2015/07/30/gm-hacking-idUSL1N10A2GX20150730>.

Exhibit 4 attached hereto is a true and correct copy of *Hacking Researchers Kill A Car Engine on The Highway to Send A Message to Automakers*, *available at* <http://www.pbs.org/newshour/bb/hacking-researchers-kill-car-engine-highway-send-message-automakers/>.

Exhibit 5 attached hereto is a true and correct copy of Stephen Checkoway et al., *Comprehensive Experimental Analyses of Automotive Attack Surfaces*, *available at* <http://www.autosec.org/pubs/cars-usenixsec2011.pdf>.

Exhibit 6 attached hereto is a true and correct copy of Andy Greenberg, *GM Took 5*

Years to Fix a Full-Takeover Hack in Millions of OnStar Cars, available at <http://www.wired.com/2015/09/gm-took-5-years-fix-full-takeover-hack-millions-onstar-cars/>.

Exhibit 7 attached hereto is a true and correct copy of *California Auto Outlook*, Volume 11, Number 3 (August 2015), available at <http://www.cncda.org/CMS/Pubs/Cal%20Covering%20Q%2015%20Ver%202.pdf>.

Exhibit 8 attached hereto is a true and correct copy of the opening page of a google search result for “ford motor company california” done on September 28, 2015, available at https://www.google.com/?gws_rd=ssl#q=ford+motor+company+california

DATED: September 28 2015

STANLEY LAW GROUP
MATTHEW J. ZEVIN

/s/ Matthew J. Zevin
MATTHEW J. ZEVIN

10021 Willow Creek Road, Suite 200
San Diego, CA 92131
Telephone: (619) 235-5306
Facsimile: (815) 377-8419
E-mail: mzevin@aol.com

STANLEY LAW GROUP
MARC R. STANLEY (*Pro Hac Vice*)
MARTIN WOODWARD (*Pro Hac Vice*)
6116 North Central Expressway, Suite 1500
Dallas, TX 75206
Telephone: (214) 443-4300
Facsimile: (214) 443-0358
Email: marcstanley@mac.com,
mwoodward@stanleylawgroup.com

SLAVIK LAW FIRM, LLC
DONALD H. SLAVIK (*Pro Hac Pending*)
2834 Blackhawk Court
Steamboat Springs, Colorado 80487-2018
Telephone: (970) 457-1011
dlavik@slavik.us

Attorneys for Plaintiffs